



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



November 17, 2003

Mr. Alfred Witham
58 Brown Road
Deerfield, New Hampshire 03037

CERTIFIED MAIL (7099 3400 0003 0687 2608)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at 33 Patten Hill Road, Candia, NH

Dear Mr. Witham:

On August 27, 2003 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received information that you had obtained a demolition permit from the Town of Candia for the demolition of a mobile home owned by you, and located at 33 Patten Hill Road, Candia, NH (the "Property").

On August 27, 2003, DES personnel telephoned to speak with you and with your demolition consultant, Ms. Ellen Emery, of NESA Demolition, concerning the proposed demolition of the mobile home. As no inspection of the mobile home had been done, DES personnel advised you not to demolish the structure. DES personnel were then informed that the mobile home had already been demolished, but that the debris had not yet been removed from the Property.

On August 28, 2003, DES personnel met with you and Ms. Emery at the Property to determine if asbestos containing material ("ACM") had been disturbed during the demolition project, and to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. DES personnel photographed debris from the demolition, took several samples of suspected ACM for laboratory analysis, and provided Ms. Emery with a packet of asbestos-related information for contractors. As a result of the inspection and of the information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on August 28, 2003. The specific violations are as follows:

- Env-A 1803.03 requires each facility operator to provide written notification to the division, the EPA Regional Office, and the city/town health officer, as applicable to the worksite location, in accordance with Env-A 1803.06 at least 10 working days before any demolition activity begins. This notification shall be required regardless of the amount of ACM, if any, that is contained in the facility.

- Env-A 1804.01 requires that before undertaking any demolition or renovation, each facility operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of ACM. Env-A 101.80 defines a "competent person" as someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors.
- Env-A 1805, *Work Practice Requirements* contains specific provisions pertaining to the proper handling, removal and disposal of ACM. In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement projects to be licensed and certified. In addition, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur, take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods. You are not a licensed asbestos abatement contractor in the State of New Hampshire and did not follow required work practice standards during the removal of the ACM.

Air Quality Experts, a licensed asbestos abatement firm, was hired to perform the necessary clean up work and the removal of the ACM from the Property in conformance with the rules. On September 8, 2003, DES personnel again conducted an inspection of the Property, and found that the demolition debris had been properly removed. Accordingly, no further action related to the listed violations is required. However, please be advised that if the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any future renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373 or Joseph Ritz, Compliance Bureau, Air Resources Division, at (603) 271-1391.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enclosure: List of asbestos abatement contractors
Env-A 1800

cc: M. Harbaugh, DES Legal Unit
R. Kurowski, EPA Region 1
D. Spear, NHDES